

2SSB 5052 - H AMD TO H AMD (H-2596.3/15) **419**

By Representative Shea

ADOPTED 04/10/2015

1 On page page 57, after line 29 of the striking amendment, insert
2 the following:

3

4 "Sec. 42. RCW 69.50.203 and 2013 c 19 s 88 are each amended to
5 read as follows:

6 (a) Except as provided in subsection (c) of this section, the
7 commission shall place a substance in Schedule I upon finding that
8 the substance:

9 (1) has high potential for abuse;

10 (2) has no currently accepted medical use in treatment in the
11 United States; and

12 (3) lacks accepted safety for use in treatment under medical
13 supervision.

14 (b) The commission may place a substance in Schedule I without
15 making the findings required by subsection (a) of this section if
16 the substance is controlled under Schedule I of the federal
17 Controlled Substances Act by a federal agency as the result of an
18 international treaty, convention, or protocol.

19 (c) No marijuana concentrates, useable marijuana, or marijuana-
20 infused product that the department has identified in rules adopted
21 pursuant to section 10(4) of this act as appropriate for sale to
22 qualifying patients and designated providers in a retail outlet that
23 holds a medical marijuana endorsement shall be deemed to have met
24 the criteria established in subsection (a) of this section and may
25 not be placed in Schedule I.

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27

1 **Sec. 43.** RCW 69.50.204 and 2010 c 177 s 2 are each amended to
2 read as follows:

3 Unless specifically excepted by state or federal law or
4 regulation or more specifically included in another schedule, the
5 following controlled substances are listed in Schedule I:

6 (a) Any of the following opiates, including their isomers,
7 esters, ethers, salts, and salts of isomers, esters, and ethers
8 whenever the existence of these isomers, esters, ethers, and salts
9 is possible within the specific chemical designation:

- 10 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
11 piperidinyl]-N-phenylacetamide);
- 12 (2) Acetylmethadol;
- 13 (3) Allylprodine;
- 14 (4) Alphacetylmethadol, except levo-alphacetylmethadol, also
15 known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;
- 16 (5) Alphameprodine;
- 17 (6) Alphamethadol;
- 18 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl) ethyl-
19 4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-
20 propanilido) piperidine);
- 21 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
22 piperidinyl]-N-phenylpropanamide);
- 23 (9) Benzethidine;
- 24 (10) Betacetylmethadol;
- 25 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
26 piperidinyl]-N-phenylpropanamide);
- 27 (12) Beta-hydroxy-3-methylfentanyl, some trade or other names:
28 N-[1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-
29 phenylpropanamide;
- 30 (13) Betameprodine;
- 31 (14) Betamethadol;
- 32 (15) Betaprodine;
- 33 (16) Clonitazene;
- 34 (17) Dextromoramide;

1 (18) Diampromide;
2 (19) Diethylthiambutene;
3 (20) Difenoquin;
4 (21) Dimenoxadol;
5 (22) Dimepheptanol;
6 (23) Dimethylthiambutene;
7 (24) Dioxaphetyl butyrate;
8 (25) Dipipanone;
9 (26) Ethylmethylthiambutene;
10 (27) Etonitazene;
11 (28) Etoxadine;
12 (29) Furethidine;
13 (30) Hydroxypethidine;
14 (31) Ketobemidone;
15 (32) Levomoramide;
16 (33) Levophenacetylmorphan;
17 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
18 piperidyl]-N-phenylpropanamide);
19 (35) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl)-4-
20 piperidinyl]-N-phenylpropanamide);
21 (36) Morpheridine;
22 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
23 (38) Noracymethadol;
24 (39) Norlevorphanol;
25 (40) Normethadone;
26 (41) Norpipanone;
27 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-
28 4-piperidinyl] propanamide);
29 (43) PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
30 (44) Phenadoxone;
31 (45) Phenampromide;
32 (46) Phenomorphan;
33 (47) Phenoperidine;
34 (48) Piritramide;

- 1 (49) Proheptazine;
- 2 (50) Properidine;
- 3 (51) Propiram;
- 4 (52) Racemoramide;
- 5 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
- 6 piperidinyl]-propanamind);
- 7 (54) Tilidine;
- 8 (55) Trimeperidine.

9 (b) Opium derivatives. Unless specifically excepted or unless
10 listed in another schedule, any of the following opium derivatives,
11 including their salts, isomers, and salts of isomers whenever the
12 existence of those salts, isomers, and salts of isomers is possible
13 within the specific chemical designation:

- 14 (1) Acetorphine;
- 15 (2) Acetyldihydrocodeine;
- 16 (3) Benzylmorphine;
- 17 (4) Codeine methylbromide;
- 18 (5) Codeine-N-Oxide;
- 19 (6) Cyprenorphine;
- 20 (7) Desomorphine;
- 21 (8) Dihydromorphine;
- 22 (9) Drotebanol;
- 23 (10) Etorphine, except hydrochloride salt;
- 24 (11) Heroin;
- 25 (12) Hydromorphanol;
- 26 (13) Methyldesorphine;
- 27 (14) Methyldihydromorphine;
- 28 (15) Morphine methylbromide;
- 29 (16) Morphine methylsulfonate;
- 30 (17) Morphine-N-Oxide;
- 31 (18) Myrophine;
- 32 (19) Nicocodeine;
- 33 (20) Nicomorphine;
- 34 (21) Normorphine;

1 (22) Pholcodine;

2 (23) Thebacon.

3 (c) Hallucinogenic substances. Unless specifically excepted or
4 unless listed in another schedule, any material, compound, mixture,
5 or preparation which contains any quantity of the following
6 hallucinogenic substances, including their salts, isomers, and salts
7 of isomers whenever the existence of those salts, isomers, and salts
8 of isomers is possible within the specific chemical designation. For
9 the purposes of this subsection only, the term "isomer" includes the
10 optical, position, and geometric isomers:

11 (1) Alpha-ethyltryptamine: Some trade or other names:

12 Etryptamine; monase; a-ethyl-1H-indole-3-ethanamine;

13 3-(2-aminobutyl) indole; a-ET; and AET;

14 (2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other
15 names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-
16 DMA;

17 (3) 4-bromo-2,5-dimethoxyphenethylamine: Some trade or other
18 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-
19 desmethyl DOB; 2C-B, nexus;

20 (4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-
21 dimethoxy-a-methylphenethylamine; 2,5-DMA;

22 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);

23 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name:
24 2C-T-7;

25 (7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-
26 a-methylphenethylamine; paramethoxyamphetamine, PMA;

27 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;

28 (9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other
29 names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and
30 "STP";

31 (10) 3,4-methylenedioxy amphetamine;

32 (11) 3,4-methylenedioxymethamphetamine (MDMA);

33

34

1 (12) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-
2 ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA,
3 MDE, MDEA;

4 (13) N-hydroxy-3,4-methylenedioxyamphetamine also known as
5 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-hydroxy
6 MDA;

7 (14) 3,4,5-trimethoxy amphetamine;

8 (15) Alpha-methyltryptamine: Other name: AMT;

9 (16) Bufotenine: Some trade or other names: 3-(beta-
10 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-
11 indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;
12 mappine;

13 (17) Diethyltryptamine: Some trade or other names: N,N-
14 Diethyltryptamine; DET;

15 (18) Dimethyltryptamine: Some trade or other names: DMT;

16 (19) 5-methoxy-N,N-diisopropyltryptamine: Other name:
17 5-MeO-DIPT;

18 (20) Ibogaine: Some trade or other names: 7-Ethyl-6,6
19 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyndo (1',2'
20 1,2) azepino (5,4-b) indole; Tabernanthe iboga;

21 (21) Lysergic acid diethylamide;

22 (22) Marihuana or marijuana, except for any marijuana
23 concentrates, useable marijuana, or marijuana-infused products
24 identified by the department in rules adopted pursuant to section
25 10(4) of this act as appropriate for sale to qualifying patients and
26 designated providers in a retail outlet that holds a medical
27 marijuana endorsement;

28 (23) Mescaline;

29 (24) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-
30 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-
31 dibenzo[b,d]pyran; synhexyl;

32 (25) Peyote, meaning all parts of the plant presently classified
33 botanically as Lophophora Williamsii Lemaire, whether growing or
34 not, the seeds thereof, any extract from any part of such plant, and

1 every compound, manufacture, salts, derivative, mixture, or
2 preparation of such plant, its seeds, or extracts; (interprets 21
3 U.S.C. Sec. 812 (c), Schedule I (c)(12));

4 (26) N-ethyl-3-piperidyl benzilate;

5 (27) N-methyl-3-piperidyl benzilate;

6 (28) Psilocybin;

7 (29) Psilocyn;

8 (30)(i) Tetrahydrocannabinols, meaning tetrahydrocannabinols
9 naturally contained in a plant of the genus Cannabis (cannabis
10 plant), as well as synthetic equivalents of the substances contained
11 in the plant, or in the resinous extractives of Cannabis, species,
12 and/or synthetic substances, derivatives, and their isomers with
13 similar chemical structure and pharmacological activity such as the
14 following:

15 ~~((i))~~(A) 1 - cis - or trans tetrahydrocannabinol, and their
16 optical isomers, excluding tetrahydrocannabinol in sesame oil and
17 encapsulated in a soft gelatin capsule in a drug product approved by
18 the United States Food and Drug Administration;

19 ~~((ii))~~(B) 6 - cis - or trans tetrahydrocannabinol, and their
20 optical isomers;

21 ~~((iii))~~(C) 3,4 - cis - or trans tetrahydrocannabinol, and its
22 optical isomers;

23 (Since nomenclature of these substances is not internationally
24 standardized, compounds of these structures, regardless of numerical
25 designation of atomic positions covered.)

26 (ii) The term "tetrahydrocannabinols" does not include any
27 marijuana concentrates, useable marijuana, or marijuana-infused
28 products identified by the department in rules adopted pursuant to
29 section 10(4) of this act as appropriate for sale to qualifying
30 patients and designated providers in a retail outlet that holds a
31 medical marijuana endorsement;

32 (31) Ethylamine analog of phencyclidine: Some trade or other
33 names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)
34 ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

1 (32) Pyrrolidine analog of phencyclidine: Some trade or other
2 names: 1-(1-phencyclohexyl)pyrrolidine; PCPy; PHP;

3 (33) Thiophene analog of phencyclidine: Some trade or other
4 names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of
5 phencyclidine; TPCP; TCP;

6 (34) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other
7 name is TCPy.

8 (d) Depressants. Unless specifically excepted or unless listed
9 in another schedule, any material, compound, mixture, or preparation
10 which contains any quantity of the following substances having a
11 depressant effect on the central nervous system, including its
12 salts, isomers, and salts of isomers whenever the existence of such
13 salts, isomers, and salts of isomers is possible within the specific
14 chemical designation.

15 (1) Gamma-hydroxybutyric acid: Some other names include GHB;
16 gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid;
17 sodium oxybate; sodium oxybutyrate;

18 (2) Mecloqualone;

19 (3) Methaqualone.

20 (e) Stimulants. Unless specifically excepted or unless listed in
21 another schedule, any material, compound, mixture, or preparation
22 which contains any quantity of the following substances having a
23 stimulant effect on the central nervous system, including its salts,
24 isomers, and salts of isomers:

25 (1) Aminorex: Some other names: aminoxaphen; 2-amino-5-phenyl-2-
26 oxazoline; or 4, 5-dihydro-5-phenyl-2-oxazolamine;

27 (2) N-Benzylpiperazine: Some other names:

28 BZP, 1-benzylpiperazine;

29 (3) Cathinone, also known as 2-amino-1-phenyl-1-propanone,
30 alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

31 (4) Fenethylamine;

32 (5) Methcathinone: Some other names: 2-(methylamino)-
33 propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-
34 phenylpropan-1-one; alpha-N-methylaminopropiophenone;

1 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone;
2 AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and
3 salts of optical isomers;

4 (6) (+-)-cis-4-methylaminorex ((+)-cis-4,5-dihydro-4-methyl-5-
5 phenyl-2-oxazolamine);

6 (7) N-ethylamphetamine;

7 (8) N,N-dimethylamphetamine: Some trade or other names: N,N-
8 alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenoethylene.

9 The controlled substances in this section may be added,
10 rescheduled, or deleted as provided for in RCW 69.50.201.

11

12 NEW SECTION. **Sec. 44.** A new section is added to chapter 69.50 RCW
13 to read as follows:

14 (1) It is unlawful for any person to manufacture, deliver, or
15 possess with intent to manufacture or deliver, marijuana
16 concentrates, useable marijuana, and marijuana-infused products
17 identified by the department in rules adopted pursuant to section
18 10(4) of this act as appropriate for sale to qualifying patients and
19 designated providers in a retail outlet that holds a medical
20 marijuana endorsement, except:

21 (a) As those activities are associated with the lawful operation
22 as a licensed marijuana producer, processor, retailer, or retailer
23 with a medical marijuana endorsement in compliance with this chapter
24 and chapter 69.51A RCW;

25 (b) In association with the lawful operation of a cooperative
26 established pursuant to, and operating in compliance with, section
27 26 of this act;

28 (c) Until July 1, 2016, in association with the lawful operation
29 of a collection garden established pursuant to, and operating in
30 compliance with RCW 69.51A.085; or

31 (d) As the activities of a designated provider or qualifying
32 patient support the personal, medical use of a qualifying patient in
33 compliance with section 27 of this act.

34

1 (2) Any person who violates this section is guilty of a class B
2 felony.

3
4 NEW SECTION. **Sec. 45.** A new section is added to chapter 69.50 RCW
5 to read as follows:

6 (1) It is unlawful for any person to possess marijuana
7 concentrates, useable marijuana, and marijuana-infused products
8 identified by the department in rules adopted pursuant to section
9 10(4) of this act as appropriate for sale to qualifying patients and
10 designated providers in a retail outlet that holds a medical
11 marijuana endorsement, unless:

12 (a) It is obtained and possessed by a designated provider or
13 qualifying patient in an amount that does not exceed those
14 authorized in section 19 of this act and the substance is obtained
15 from:

16 (i) A licensed marijuana retailer or retailer with a medical
17 marijuana endorsement operating in compliance with this chapter and
18 chapter 69.51A RCW;

19 (ii) A cooperative established pursuant to, and operating in
20 compliance with, section 26 of this act;

21 (iii) Until July 1, 2016, a collective garden established
22 pursuant to, and operating in compliance with RCW 69.51A.085; or

23 (iv) The designated provider or qualifying patient in compliance
24 with section 27 of this act; or

25 (b) It is obtained and possessed by a person in an amount that
26 does not exceed those authorized in RCW 69.50.360 and was obtained
27 from a licensed marijuana retailer or retailer with a medical
28 marijuana endorsement operating in compliance with this chapter.

29 (2) Any person who violates this section is guilty of a class C
30 felony.

31

32 **Sec. 46.** RCW 9.94A.518 and 2003 c 53 s 57 are each amended to
33 read as follows:

34

TABLE 4

1 DRUG OFFENSES

2 INCLUDED WITHIN EACH

3 SERIOUSNESS LEVEL

4 III Any felony offense under chapter 69.50

5 RCW with a deadly weapon

6 special verdict under *RCW

7 9.94A.602

8 Controlled Substance Homicide (RCW

9 69.50.415)

10 Delivery of imitation controlled

11 substance by person eighteen or

12 over to person under eighteen

13 (RCW 69.52.030(2))

14 Involving a minor in drug dealing (RCW

15 69.50.4015)

16 Manufacture of methamphetamine

17 (RCW 69.50.401(2)(b))

18 Over 18 and deliver heroin,

19 methamphetamine, a narcotic

20 from Schedule I or II, or

21 flunitrazepam from Schedule IV

22 to someone under 18 (RCW

23 69.50.406)

24 Over 18 and deliver narcotic from

25 Schedule III, IV, or V or a

26 nonnarcotic, except

27 flunitrazepam or

28 methamphetamine, from

29 Schedule I-V to someone under

30 18 and 3 years junior (RCW

31 69.50.406)

32 Possession of Ephedrine,

33 Pseudoephedrine, or Anhydrous

34 Ammonia with intent to

1 manufacture
2 methamphetamine (**RCW
3 69.50.440)
4 Selling for profit (controlled or
5 counterfeit) any controlled
6 substance (RCW 69.50.410)
7 II Create, deliver, or possess a counterfeit
8 controlled substance (RCW
9 69.50.4011)
10 Deliver or possess with intent to deliver
11 methamphetamine (RCW
12 69.50.401(2)(b))
13 Delivery of a material in lieu of a
14 controlled substance (RCW
15 69.50.4012)
16 Maintaining a Dwelling or Place for
17 Controlled Substances (RCW
18 69.50.402(1)(f))
19 Manufacture, deliver, or possess with
20 intent to deliver amphetamine
21 (RCW 69.50.401(2)(b))
22 Manufacture, deliver, or possess with
23 intent to deliver narcotics from
24 Schedule I or II or flunitrazepam
25 from Schedule IV (RCW
26 69.50.401(2)(a))
27 Manufacture, deliver, or possess with
28 intent to deliver narcotics from
29 Schedule III, IV, or V or
30 nonnarcotics from Schedule I-V
31 (except marijuana, amphetamine,
32 methamphetamines, or
33 flunitrazepam) (RCW
34 69.50.401(2) (c) through (e))

1 Manufacture, distribute, or possess with
2 intent to distribute an imitation
3 controlled substance (RCW
4 69.52.030(1))
5 I Forged Prescription (RCW 69.41.020)
6 Forged Prescription for a Controlled
7 Substance (RCW 69.50.403)
8 Manufacture, deliver, or possess with
9 intent to deliver marijuana (RCW
10 69.50.401(2)(c))
11 Manufacture, deliver, or possess with
12 intent to deliver marijuana
13 pursuant to section 44 of this act
14 Possesses marijuana pursuant to section
15 45 of this act
16 Possess Controlled Substance that is a
17 Narcotic from Schedule III, IV,
18 or V or Nonnarcotic from
19 Schedule I-V (RCW 69.50.4013)
20 Possession of Controlled Substance that
21 is either heroin or narcotics from
22 Schedule I or II (RCW
23 69.50.4013)
24 Unlawful Use of Building for Drug
25 Purposes (RCW 69.53.010)"
26

27 Renumber the remaining sections consecutively and correct any
28 internal references accordingly.

29

EFFECT: Removes marijuana products identified by the Department of Health in rule as appropriate for sale to qualifying patients and designated providers in a retail outlet that holds a medical marijuana endorsement (medical grade marijuana substances) from classification as a Schedule I controlled substance. Prohibits the Pharmacy Quality Assurance Commission from making a finding that any such marijuana product has met the criteria to be considered a

Schedule I controlled substance.

Establishes a class B felony to manufacture, deliver, or possess with intent to manufacture or deliver medical grade marijuana substances, except for activities associated with marijuana producers, marijuana processors, marijuana retailers, marijuana retailers with a medical marijuana endorsement, cooperatives, collective gardens, and personal grows by designated providers and qualifying patients.

Establishes a class C felony to possess medical grade marijuana substances, unless it is possessed by a designated provider or qualifying patient who obtained it from a licensed marijuana retailer, a retailer with a medical marijuana endorsement, a cooperative, a collective garden, or the designated provider or qualifying patient.

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